

Effective 5/12/2015

Part 5

Unlawful and Unprofessional Conduct

58-42a-501 Unlawful conduct.

"Unlawful conduct," as defined in Section 58-1-501 and as may be further defined by division rule, includes:

- (1) engaging or offering to engage in the practice of occupational therapy unless licensed under this chapter or exempted from licensure under Section 58-1-307 or 58-42a-304;
- (2) using the title occupational therapist or occupational therapy assistant unless licensed under this chapter;
- (3) employing or aiding and abetting an unqualified or unlicensed person to engage or offer to engage in the practice of occupational therapy unless the person is exempted from licensure under Section 58-1-307 or 58-42a-304; and
- (4) obtaining a license under this chapter by means of fraud, misrepresentation, or concealment of a material fact.

Repealed and Re-enacted by Chapter 432, 2015 General Session

58-42a-502 Unprofessional conduct.

"Unprofessional conduct," as defined in Section 58-1-501 and as may be further defined by division rule, includes:

- (1) being convicted of a crime in any court except for minor offenses;
- (2) violating a lawful order, rule, or regulation adopted by the division in consultation with the board;
- (3) providing substandard care as an occupational therapist due to a deliberate or negligent act or failure to act regardless of whether actual injury to the client is established;
- (4) providing substandard care as an occupational therapy assistant, including exceeding the authority to perform components of intervention selected and delegated by the supervising occupational therapist, regardless of whether actual injury to the client is established;
- (5) knowingly delegating responsibilities related to the practice of occupational therapy to an individual, including an occupational therapy aide, who does not have the knowledge, skills, or abilities to perform those responsibilities;
- (6) failing to provide appropriate supervision in accordance with this chapter to an occupational therapy assistant or occupational therapy aide;
- (7) practicing as an occupational therapist or occupational therapy assistant when physical or mental impairment of the occupational therapist or occupational therapy assistant prevents the provision of competent services to clients;
- (8) having had an occupational therapist, occupational therapy assistant, or equivalent license or application refused, revoked, suspended, or other disciplinary action taken in another state, United States territory, or country;
- (9) engaging in sexual misconduct, including:
 - (a) engaging in or soliciting a sexual relationship with a client;
 - (b) making a sexual advance, requesting a sexual favor, or engaging in physical contact of a sexual nature with a client; and
 - (c) engaging in verbal or physical conduct of a sexual nature in the presence of a client; and
- (10) abandoning or neglecting a client in need of immediate professional care without making reasonable arrangements for the continuation of care.

Enacted by Chapter 432, 2015 General Session